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Dated: January 23, 2009

Electronic Signature for Neslihan I. Doran/Neslihan I. Doran/

Docket No.: MWS-035RCE  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Loren Dean *et al.*

Application No.: 10/671,703

Confirmation No.: 9252

Filed: September 26, 2003

Art Unit: 2194

For: **OBJECT-ORIENTED DATA TRANSFER  
SYSTEM FOR DATA SHARING**

Examiner: K. C. Verdi

**RESPONSE TO NON-FINAL OFFICE ACTION**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

**INTRODUCTORY COMMENTS**

In response to the Office Action dated October 29, 2008 (Paper No. 20081025), Applicants submit the following remarks/arguments.

**Remarks/Arguments** begin on page 2 of this paper.

OK TO ENTER: /K.V./

03/02/2009



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,703	09/26/2003	Loren Dean	MWS-035RCE	9252
74321 7590 03/06/2009 LAHIVE & COCKFIELD, LLP/THE MATHWORKS FLOOR 30, SUITE 3000 One Post Office Square Boston, MA 02109-2127				
EXAMINER VERDI, KIMBLEANN C				
ART UNIT		PAPER NUMBER		
2194				
MAIL DATE		DELIVERY MODE		
03/06/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/671,703

**Applicant(s)**

DEAN ET AL.

**Examiner**

KimbleAnn Verdi

**Art Unit**

2194

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 23 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: NONE.  
Claim(s) objected to: NONE.  
Claim(s) rejected: 19-21 and 23-44.  
Claim(s) withdrawn from consideration: NONE.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Meng-Ai An/  
Supervisory Patent Examiner, Art Unit 2195

continuation of 7.

Applicant's arguments filed on January 23, 2009 have been fully considered but they are not persuasive. In response to the Final Office Action dated October 29, 2008, applicant argues in regards to claims 19-21 and 23-44:

(1) Biondi, alone or in combination with Breyer and Williams, does not disclose or suggest sharing the data object among the multiple data sink objects to prevent extraneous copies of the data as recited in claim 19. In contrast, Biondi discusses directly transferring the image data to the image data sink. Biondi does not share the data object among the multiple data sink objects (page 4, lines 4-8).

In response to argument (1), examiner respectfully disagrees and notes that Biondi teaches the network storage device 310 acts as the memory 100, as discussed above, to buffer and then transfer the image data object, to the image data sinks 320 and 330 (col. 4, lines 53-55). The disclosed method may be readily implemented in software using object or object-oriented software development environments that provide portable source code that can be used on a variety of computer or workstation hardware platforms (col. 5, lines 64-67).

The transferring of the image data, which corresponds to the data object, to the image data sinks 320 and 330, which correspond to the data sink objects, can be interpreted as sharing the data object among the multiple data sink objects to prevent extraneous copies of the data when the method is implemented using an object-oriented software environment (col. 5, lines 64-67), since the images can also be sent via multiple connections through multiple interfaces, the images can also be sent to many destinations, and the image data sink 60 may be one or more of a combination of the network storage device 310, image data sink 320 and/or the image data sink 330. (col. 5, lines 15-20).